IN THE HIGH COURT OF UTTARANCHAL AT NAINTITAL.

WRIT PETITION NO. 683 (MS) OF 2006

K.M. Gram Udyog through Secretary Subhash Gupta,
Subhash Gupta, S/o Chand Mal Gupta,
R/o Anurag Niwas, Mohalla Shekhupura,
Back of Rajput Dharamshala Kankhal,
pargana Jawalapur, District – Haridwar. .....Petitioner.

Versus

1. Civil Judge (S.D.), Haridwar, District-Haridwar.
2. Uttaranchal Khadi Gram Udyog Board,
through District Gram Udyog Officer,
Khanna Niwas pahari Bazar Kankhal, Haridwar,
Pargana Jawalapur, District Haridwar.

.....Respondents.

Dated: 09.06.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Parikshit Saini, Advocate for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 10.05.2006 passed by the respondent no. 1 in O.S. No. 160 of 2004 K.M. Gramudhyog Vs. Uttaranchal Khadi Gramudhyog (Annexure No. 5 to the writ petition).

Briefly stated, the society has applied for loan, which was sanctioned on 15.09.1997, thereafter first instalment of loan was given to the petitioner on 17.11.1997, thereafter the other instalments were paid at a very belated stage and petitioner

has repaid loan amount about 2 lacs 35 thousand and deposited the same in Punjab National Bank Gurudwar Road, Jwalapur, Haridwar. However, no repayment schedule was given by the respondent no. 2 to the petitioner. Thereafter, petitioner demanded for one time settlement, however no action was taken by the respondent no.2.

On 21.09.2004, a notice was given for the recovery of loan amount and the respondent no. 2 having failed to give statement of account, the petitioner preferred a suit against the respondent no. 2 being Suit No. 160 of 2004 for permanent injunction with a relief that no recovery should be made till the account is settled. During the pendency of the case, the petitioner filed an application praying that the account may be given, which should be certified by the Chartered Accountant. The prayer for giving the account by Chartered Accountant cannot be accepted. However, the statement of account may be furnished to the petitioner.

The short grievance of the petitioner is that he may be given statement of account.

In ***Central Bank of India vs. Ravindra and others, AIR 2001 SC 3095,*** the Apex Court has observed as under:-

“ *“Statement of accounts supplied by banks to borrowers many a times do not contain particulars or details of debit entries and when written in hand are worse than medical prescriptions putting to test the eyes and wits of the borrowers. Instances of unscrupulous, unfair and unhealthy dealings can be multiplied though they cannot be generalised.”*

in view of the above, the respondents are directed to give statement of account to the petitioner in accordance with the observation of the Apex Court taking into consideration the

amount which has already been paid by the petitioner. The amount paid by the petitioner shall be given due adjustment.

Subject to the aforesaid observations, writ petition is disposed of.

(Rajesh Tandon, J.)

09.06.2006
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